

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

JAN 08 2016

Clerk, U.S. District Court  
District of Montana  
Missoula

UNITED STATES OF AMERICA,

Cause No. CR 13-07-BU-DLC

Plaintiff,

vs.

ORDER

MARY ANN McCULLEY,

Defendant.

This case came before the Court on Defendant Mary Ann McCulley's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255. The motion was denied for lack of merit on November 22, 2016 (Doc. 149). But some statements made in connection with the § 2255 motion raised new concerns. Consequently, in a separate order, McCulley's counsel was ordered to "show cause and explain why the record of this case contains two sworn inconsistent statements by McCulley, identify which statement is true, and further explain why she should not be found to have made a false statement or committed perjury." Order (Doc. 150) at 6.

Counsel responded on December 12, 2016. He states, in conclusion, that McCulley "did what her [trial] attorney told her that she had to do" at the change of plea hearing. Resp. to Order (Doc. 151) at 4.

Counsel's response is consistent with the Court's ruling that McCulley said what she said at the change of plea hearing because she wanted to obtain the benefits of the plea agreement. *See* Order (Doc. 149) at 14-17. The Court agrees with counsel that there is no need to take any "further action in this matter with regard to false statements or perjury." Resp. to Order at 4.

Accordingly, IT IS HEREBY ORDERED that the Order to Show Cause (Doc. 150) is DISCHARGED.

DATED this 9<sup>th</sup> day of January, 2017.



Dana L. Christensen, Chief Judge  
United States District Court